

**REMARKS**

Claims 1-16, 41 and 42 are currently pending in this amendment. Independent Claims 1, 41 and 42 have been amended to more particularly describe the invention. These claims, and all claims depending therefrom, now require "a non-rotating electronically tunable filter". No new matter has been added.

**Obviousness Rejection**

Independent Claims 1, 41 and 42, as amended, require "an apparatus for the examination of forensic specimens" having "a non-rotating electronically tunable filter" and a computer having software for "tuning said non-rotating electronically tunable filter to a specific wavelength or a series of specific wavelengths". The primary reference, Batchelder, used by the Examiner for the Sect. 103 rejection of all claims, including those depending from independent Claims 1, 41 and 42 does not teach or suggest the limitations in the claims. The filter wheel 84 of Batchelder rotates and is not electronically tunable, but rather is mechanically tuned by rotating the wheel 84 to place a selected filter 90 for a chosen frequency into the optical path. (Col. 4, ll. 48-62) Thus, the filter wheel 84 is mechanically tuned to a selected frequency through rotation of the wheel. Additionally, wheel 84 cannot select a series of specific wavelengths without rotating to mechanically select, and thereby be tuned, one frequency at a time, a selected frequency from the desired series of frequencies. Since the primary reference offered by the Examiner, Batchelder, does not teach or suggest a non-rotating electrically tunable filter, and since the secondary references do not teach or suggest a non-rotating

electronically tunable filter, applicant respectfully requests that the Examiner withdraw the Sect. 103 rejections of all Claims and place the application in condition for allowance. For at least these reasons, Batchelder does not anticipate or render obvious the invention recited in the Claims.

### CONCLUSION

Applicant respectfully submits that all of the claims are in condition for allowance. A notice to this effect is respectfully requested.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,



Mark C. Comtois      Reg. No. 46,285

DUANE MORRIS LLP  
1667 K Street, N.W., Suite 700  
Washington, DC 20006  
Telephone: (202) 776-7800  
Telecopier: (202) 776-7801

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